

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In re the Chapter 7 of)
)
GORDON GREEN) Case No. 21-06189
)
Debtor)

Parties Served via Electronic Notice through CM/ECF:

David Leibowitz (Trustee) dleibowitz@lodpl.com

Patrick S Layng USTPRegion11.ES.ECF@usdoj.gov

NOTICE OF MOTION

PLEASE TAKE NOTICE that on March 29, 2022 at 1:00 PM I will appear telephonically before the Honorable Jacqueline P. Cox, or any judge will be sitting in her place, and present the Debtor's **Motion to Reconsider the Order Entered on March 9, 2022.**

This motion will be presented and heard electronically using Zoom for Government.

No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, (1) use this link: <https://www.zoomgov.com/>. (2) Enter the meeting ID 1612732896. (3) Enter the passcode 778135.

To appear by telephone, (1) call Zoom for Government at 1-669-254-5252 or 1-646- 828-7666. (2) Enter the meeting ID 1612732896. (3) Enter passcode 778135.

When prompted identify yourself by stating your full name.

To reach Judge Cox's web page go to www.ilnb.uscourts.gov and click on the tab for Judges.

If you object to this motion and want it called on the presentment date above, you may file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may call the matter regardless.

Ben Schneider (ARDC # 6295667)

SCHNEIDER & STONE

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CERTIFICATE OF SERVICE

I, Ben Schneider, the undersigned attorney, hereby certify that I served a copy of this notice and the attached motion, *sans* exhibits which may be requested by contacting counsel, to be filed via the Court's ECF system and first class US mail as indicated below on March 21, 2022.

/s/Ben Schneider

**IN THE UNITED STATES BANKRUPTCY COURT
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In re the Chapter 7 of)	
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GORDON GREEN)	Case No. 21-06189
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Debtor)	

**DEBTOR’S MOTION TO RECONSIDER THE ORDER ENTERED ON
MARCH 9, 2022**

Now comes the Debtor, GORDON GREEN, by and through his attorney, Ben Schneider, for his **Motion to Reconsider the Order Entered on March 9, 2022**. In support, he states as follows:

1. On March 10, 2022, the Court entered an Order sustaining the Trustee’s objection to the Debtor’s claim of exemption of a certain retirement fund, (the “Order”). As part of that Order, the Court required the Debtor to “remit \$73,200 to the Trustee on or before March 21, 2022.”
2. On March 16, 2022, the Debtor filed a notice of intent to appeal and is in the process of drafting an appeal of the Order. The Debtor understands that while the appeal is pending, he still must comply with the Order.
3. The Debtor has full intentions of complying with the Order but has 3 issues that need to be addressed in order to do so:
4. First, the Debtor does not have access to any money except for the funds in the retirement account and cannot simply remit \$73,200 to the Trustee. The Debtor did inquire as to the possibility of liquidating the retirement fund and then giving the Trustee the proceeds, but he was told that they were only allowed to speak to the Trustee about this issue and not to

the Debtor. The Debtor remains willing to work with the Trustee but is unable to access the funds himself making it impossible to comply with the Order.

5. Second, the value of the retirement fund to be liquidated fluxuates over time due to factors that have nothing to do with the Debtor. On March 9, 2022, the fund may not have been worth \$73,200. Since this is the Debtor's only asset with any significant value, he may limited by the value of the fund at the time it is to be liquidated.
6. Third, the amount in the retirement fund is in Canadian dollars and the Order requiring the Debtor to turn over the funds does not specify that the \$73,200 to be remitted to the Trustee is in Canadian dollars and not in American dollars.
7. The Debtor requests that the requirement that the Debtor remit \$73,200 be stricken. Instead, a provision should be added that requires the Debtor to cooperate with the Trustee to have the retirement fund liquidated and placed with the Trustee.

Wherefore, the Debtor, Gordon Green, respectfully asks that this Court enter an order:

- A. Reconsidering the wording of the Order entered on March 10, 2022 and altering the language of the Order to be consistent with the request of the Debtor;
- B. For any other relief that it deems fair and equitable under the circumstances.

Respectfully Submitted

By

GORDON GREEN

/s/Ben Schneider

One of the Attorneys for the Debtor

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